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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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JUN 22 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

Petitions of Ameritech Corporation And )  
U S West Communications, Inc. For )  
Declaratory Ruling Concerning The )  
Legality Of Teaming Arrangements )  
With Unaffiliated IXC's )

CC Docket No. 98-62  
DA 98-1183

AT&T CORP. OPPOSITION TO PETITIONS FOR DECLARATORY RULING

Pursuant to Sections 1.2 and 1.45 of the Commission's rules,<sup>1</sup> and the Public Notice released June 18, 1998, AT&T Corp. ("AT&T") hereby opposes the petitions for declaratory ruling ("petitions") filed on June 11, 1998 by Ameritech Corporation ("Ameritech") and U S West Communications, Inc. ("U S West"). Both Ameritech and U S West seek a ruling that an arrangement whereby a BOC markets the interLATA services of one or more IXC's in its region prior to receiving authorization from the Commission under Section 271(d) of the Communications Act is lawful under Sections 271(a) and 251(g) of the Act. As AT&T has previously shown, such arrangements are plainly unlawful, and both petitions accordingly should be denied.

<sup>1</sup> 47 C.F.R. §§ 1.2, 1.45.

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As the Commission knows, in early May 1998 both Ameritech and U S West entered into arrangements whereby each markets the interLATA services of Qwest Communications International, Inc. ("Qwest").<sup>2</sup> As the Commission also knows, AT&T, MCI and others brought suit against U S West and Ameritech, respectively, in the United States District Courts for the Western District of Washington and the Northern District of Illinois, and both of those cases were recently referred to the Commission by those courts.<sup>3</sup> In a Public Notice released June 11, 1998 (DA 98-1109), the Commission requested that the plaintiffs in the federal court actions file formal complaints against Ameritech and U S West pursuant to Section 208, and directed the complainants to include as attachments to their complaints the complete record of the related court proceedings. After obtaining modifications of the protective orders in those cases to permit the necessary documents to be filed at the Commission, AT&T and MCI filed a formal complaint against Ameritech and a brief in support of interim relief in the form of a standstill order on June 15, 1998, and filed a formal complaint against U S West on the following day.

In addition to the litigations described above, also pending before the Commission is a petition for declaratory ruling filed by Sprint Communications Company, L.P. ("Sprint") on

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<sup>2</sup> U S West's marketing arrangement with Qwest was enjoined by the United States District Court for the Western District of Washington, and referred to the Commission for a final decision on the merits. AT&T and MCI have requested that the Commission enter an interim standstill order prohibiting Ameritech from marketing Qwest's interLATA services until the Commission can determine the merits of their complaint against that BOC, and that request is currently pending. See Complainants AT&T Corp.'s and MCI Telecommunications Corporation's Brief In Support Of Their Motion For Interim Relief In The Form Of A Standstill Order, filed June 15, 1998 in AT&T Corp., et al. v. Ameritech, File No. E-98-41.

<sup>3</sup> AT&T v. Ameritech, No. 98C 2993 (N.D. Ill., filed May 14, 1998); AT&T v. U S West, No. C98-634WD (W.D. Wash., filed May 13, 1998).

April 28, 1998,<sup>4</sup> on which the Commission has already received comments and reply comments. Sprint's petition was prompted by the Request for Proposal that led to the marketing agreement with Qwest that is the subject of Ameritech's petition, and sought a ruling that by entering into such an arrangement prior to receiving authorization from the Commission under Section 271(d), a BOC would violate Sections 271(a) and 251(g). AT&T filed comments on June 4, 1998 supporting Sprint's interpretation of the Communications Act.

As described above, AT&T has filed extensive pleadings with the Commission concerning the precise issues raised by the petitions. Rather than burden the Commission with still further filings, AT&T hereby incorporates by reference its prior pleadings, and their accompanying exhibits, affidavits and other supporting materials, into the record of the instant

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<sup>4</sup> Sprint, Petition For Declaratory Ruling, filed April 28, 1998 in Sprint Communications Company, L.P. Petition For Declaratory Ruling to Declare Unlawful Certain RFP Practices By Ameritech, CC Docket No. 98-62.

proceeding.<sup>5</sup> As those documents make clear, Sections 271(a) and 251(g) prohibit marketing arrangements such as those addressed by the petitions, and the Commission should so hold.

Respectfully submitted,

By

AT&T CORP.

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June 22, 1998

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<sup>5</sup> Complaint, filed June 16, 1998 in AT&T Corp., et al. v. U S West, File No. E-98-42; Complaint, filed June 15, 1998 in AT&T Corp., et al. v. Ameritech, File No. E-98-41; Complainants AT&T Corp.'s and MCI Telecommunications Corporation's Brief In Support Of Their Motion For Interim Relief In The Form Of A Standstill Order, filed June 15, 1998 in id.; Comments of AT&T Corp., filed June 4, 1998 in Sprint Communications Company, L.P. Petition For Declaratory Ruling to Declare Unlawful Certain RFP Practices By Ameritech, CC Docket No. 98-62.

**CERTIFICATE OF SERVICE**

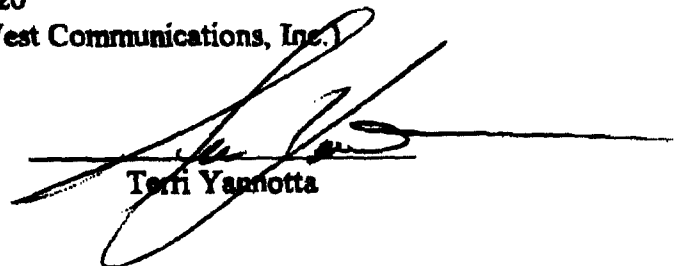
I, Terri Yannotta, do hereby certify that on this 22<sup>nd</sup> day of June, 1998, a copy of the foregoing "AT&T Corp. Opposition To Petitions For Declaratory Ruling" was mailed by U.S. first class mail, postage prepaid, to the parties listed below:

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June 22, 1998